IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.77 OF 1999

The Commissioner of Income-tax-XI .. Petitioner.

V/s.

Shri Madhukant C. Shah .. Respondent.

Mr.P.S. Sahadevan for the petitioner.

CORAM : DR.S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 12TH MARCH, 2007.

P.C. :

1. Heard learned counsel for the petitioner. Though the appearance is shown, none appears for the respondent.

2. The above application was admitted on 23/06/1999 on the following question of law :

> Whether on the facts and in the circumstances of the case and in view of the recent various High Court decisions, the Tribunal was right in law in allowing 40% of incentive bonus / commission as deduction ?

3. The issue sought to be raised in this application is squarely covered by the judgment of this Court in the case of Commissioner of Income Tax V/s. Gopal Krishna Suri (248 ITR 819) in favour of the revenue against the assessee.

4. Under the aforesaid facts and circumstances of the case, statement of case is called for. The Tribunal is directed to send statement of case as expeditiously as possible.

5. The application stands disposed of.

(DR.S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)